

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INLAND NORTHWEST RENAL CARE
GROUP, LLC d/b/a NORTHPOINTE
DIALYSIS,
Plaintiff,
v.
WEBTPA EMPLOYER SERVICES, LLC
and FIRST CHOICE HEALTH NETWORK,
INC.
Defendants.

)
)
)
)
)
)
)
)
)
)
)
)
)
)

No. C19-1758-JCC-SKV

**JOINT MOTION TO LIFT STAY AND
ENTER NEW CASE SCHEDULING
ORDER AND PROPOSED ORDER**

**NOTE ON MOTION CALENDAR:
MARCH 11, 2022**

The Parties to the above-captioned action, Plaintiff Inland Northwest Renal Care Group, LLC d/b/a Northpointe Dialysis (“Northwest”), Defendant WebTPA Employer Services, LLC (“WebTPA”), and Defendant First Choice Health Network, Inc. (“First Choice”) (collectively, the “Parties”) regret to inform the Court that their efforts to resolve the case through mediation have proven unsuccessful, and hereby jointly move: (1) to lift the stay the Court entered in this action on February 4, 2022, and (2) for the Court to issue a new Case Scheduling Order. The Parties request that the Court set the trial date for April 24, 2023 and continue the remaining case deadlines by a period of six months. The Parties believe and agree that six months is sufficient time to complete their preparation of the case for trial and that the requested extension

**JOINT MOTION TO LIFT STAY AND ENTER NEW CASE
SCHEDULING ORDER AND PROPOSED ORDER - 1
No. C19-1758-ICC-SKV**

124492.0032/8916859.1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

1 is necessary, in the best interests of the Parties, and supported by good cause. In support of this
2 Joint Motion, the Parties state as follows:

3 1. This lawsuit arises from a dispute between the Parties with regard to the rates
4 that Defendant WebTPA paid for the dialysis and related services that Plaintiff Northwest
5 provided to a specific patient under the PPO network operated by Defendant First Choice.

6 2. Plaintiff Northwest filed this action on October 30, 2019. On December 6, 2019,
7 Defendant WebTPA moved to dismiss all claims against it. After extensive briefing, Judge
8 Theiler issued a Report and Recommendation on March 26, 2020 recommending that
9 WebTPA's motion be denied. Dkt. No. 44. The Court adopted Judge Theiler's Report and
10 Recommendation on April 14, 2020. Dkt. No. 45.

11 3. Following the denial of WebTPA's motion to dismiss, the Parties began paper
12 discovery in earnest, and those efforts continued until early 2021 when the Parties agreed to
13 schedule a mediation for May 26, 2021. The Parties agreed to informally stay discovery
14 pending the mediation in order to focus their efforts on preparing for the mediation.
15 Unfortunately, the mediation was unsuccessful.

16 4. Immediately following the mediation, the Parties continued their diligent efforts
17 to complete discovery. In late 2021, the Parties agreed to a framework to conduct further
18 mediations in February 2022 in order to hopefully resolve the case without the need for further
19 litigation.

20 5. In order to focus their efforts on settling this dispute, the Parties moved to stay
21 this case and all related deadlines on February 2, 2022. Dkt. No. 67. On February 4, 2022, the
22 Court granted that motion and entered an Order staying the case for a period of 90 days in order
23 to permit the Parties to engage in settlement discussions. Dkt. No. 68.

24 6. Despite the Parties' good faith efforts, they have been unable to reach a mutually
25 agreeable settlement. Therefore, the Parties now seek to lift the stay entered by the Court on
26 February 4, 2022 and to complete preparation of the case for trial.

27
JOINT MOTION TO LIFT STAY AND ENTER NEW CASE
SCHEDULING ORDER AND PROPOSED ORDER - 2
No. C19-1758-JCC-SKV

124492.0032/8916859.1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

1 7. At present, all Parties have answered written discovery and produced documents
 2 and are resuming work to complete their remaining productions and resolve outstanding
 3 discovery disputes. Counsel for Northwest and WebTPA have held meet and confer
 4 conferences on June 1, 2021, June 28, 2021, July 6, 2021, and August 17, 2021 in a good faith
 5 effort to narrow their discovery disputes and move this case toward the most efficient
 6 resolution. However, as a result of their efforts over the past several months that they earnestly
 7 hoped would result in a settlement, the Parties agree that they are not currently in a position to
 8 meet the deadlines set forth in the current Case Scheduling Order.

9 8. The parties have conferred and stipulate and agree that a period of an additional
 10 six months is sufficient time to permit the parties to complete document and deposition
 11 discovery, seek resolution of any discovery disputes, and properly prepare their respective cases
 12 for trial. Due to a conflict for Northwest's counsel with another trial, the Parties request the
 13 Court set a new trial date for April 24, 2023. For the Court's convenience, the Parties have
 14 included a table below that sets forth: (1) the case deadlines that they seek to continue, (2) the
 15 current date of each deadline, and (3) the recommended new date for each deadline:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
JURY TRIAL set for 9:30 a.m. on	8/22/2022	4/24/2023
Length of trial		5 days
Disclosure of expert testimony under FRCP 26(a)(2)	1/24/2022	7/25/2022
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	2/14/2022	8/15/2022
All motions related to discovery must be filed by this date and noted for consideration no later than the third Friday thereafter	2/23/2022	8/23/2022
Discovery to be completed by	3/25/2022	9/26/2022
All dispositive motions must be filed by this date and noted for consideration no later than the fourth Friday thereafter	4/25/2022	10/25/2022
Settlement Conference per LCR 39.1(c)(2) held no later than	5/24/2022	11/22/2022
Mediation per LCR 39.1(c) held no later than	6/23/2022	12/22/2022

27
 JOINT MOTION TO LIFT STAY AND ENTER NEW CASE
 SCHEDULING ORDER AND PROPOSED ORDER - 3
 No. C19-1758-JCC-SKV

124492.0032/8916859.1

LANE POWELL PC
 1420 FIFTH AVENUE, SUITE 4200
 P.O. BOX 91302
 SEATTLE, WA 98111-9402
 206.223.7000 FAX: 206.223.7107

1	All motions in limine must be filed by this date and noted 2 for consideration no earlier than the third Friday after filing but no later than the Friday before the pretrial conference	7/25/2022	3/24/2023
3	Agreed LCR 16.1 Pretrial Order Due	8/10/2022	4/10/2023
4	Trial briefs, proposed voir dire questions, proposed jury instructions, deposition designations, and exhibits due by this date; Counsel are to confer and indicate with their 5 submissions which exhibits are agreed to	8/15/2022	4/17/2023
6	Pretrial Conference	To be set as needed	

7 9. An extension will allow the Parties to complete the discovery necessary to
8 properly prepare this case for trial.

9 10. This is the parties' fourth request to extend the trial date in this action.

10 11. A Proposed Order is submitted herewith.

11 WHEREFORE, the Parties respectfully request that the Court: (1) lift the stay entered
12 in this action on February 4, 2022; (2) set a new trial date for April 24, 2023; and (3) issue a
13 new Case Scheduling Order, consistent with the dates in the table set forth above, that continues
14 the case deadlines by a period of six months.

15
16
17
18
19
20
21
22
23
24
25
26
27
JOINT MOTION TO LIFT STAY AND ENTER NEW CASE
SCHEDULING ORDER AND PROPOSED ORDER - 4
No. C19-1758-JCC-SKV

124492.0032/8916859.1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

Respectfully submitted by the Parties on this 11th day of March, 2022:

/s/ Carin Marney
Carin Marney, WSBA No. 25132
LANE POWELL PC
1420 Fifth Ave., Ste. 4200
P.O. Box 91302
Seattle, WA 98111-9402
Tel.: 206-223-7000
marneyc@lanepowell.com
Attorney for Plaintiff Northwest

/s/ Robert Zaffrann
Robert Zaffrann, *Pro Hac Vice*
Adam Santeusanio, *Pro Hac Vice*
DUANE MORRIS LLP
100 High Street, Suite 2400
Boston, MA 02110
Tel.: 857-488-4200
rzaffrann@duanemorris.com
amsanteusonio@duanemorris.com
Attorney for Plaintiff Northwest

/s/ Wendy Lyon
Wendy Lyon, WSBA No. 34461
FOX ROTHSCHILD LLP
1001 Fourth Ave., Suite 4500
Seattle, WA 98154-1065
Tel.: 206-389-1667
wlyon@foxrothschild.com
Attorney for Defendant First Choice

/s/ Andrew Holly
Benjamin Greenberg, WSBA No. 44120
Andrew Holly, *Pro Hac Vice*
DORSEY & WHITNEY LLP
701 Fifth Ave., Suite 6100
Seattle, WA 98104-7043
Tel.: 206-903-5442
greenberg.ben@dorsey.com
holly.andrew@dorsey.com
Attorney for Defendant WebTPA

**JOINT MOTION TO LIFT STAY AND ENTER NEW CASE
SCHEDULING ORDER AND PROPOSED ORDER - 5
No. C19-1758-ICC-SKV**

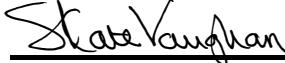
LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

1 **{Proposed} Order**

2 The Parties' Joint Motion to Lift Stay and Enter New Case Scheduling Order is hereby
3 GRANTED and IT IS HEREBY ORDERED that:

- 4 1. The stay entered in this action on February 4, 2022 is hereby lifted;
- 5 2. The trial date in this action, which is currently set for August 22, 2022, shall be
6 reset to April 24, 2023; and
- 7 3. The Clerk shall issue a new Case Scheduling Order that continues the trial date
8 to April 24, 2023, and all other remaining case deadlines for a period of six months, consistent
9 with the table set forth in the foregoing Joint Motion.

10 **SO ORDERED this 14th day of March, 2022.**

11
12 

13 S. KATE VAUGHAN
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26
27